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9 *Attorneys for Plaintiff*

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF NEW YORK

12 FRANK FERREIRO, on behalf of
13 himself and all others similarly situated,

14 Plaintiff,

15 vs.

16 BARNES & NOBLE, INC., LEONARD
17 RIGGIO, GEORGE CAMPBELL JR.,
18 MARK D. CARLETON, SCOTT S.
19 COWEN, WILLIAM T. DILLARD II, AL
20 FERRARA, PAUL B. GUENTHER,
21 PATRICIA L. HIGGINS, IRWIN D.
22 SIMON, and KIMBERLY A. VAN DER
23 ZON,

24 Defendants.

Case No.: 1:19-cv-06809-PAE

**NOTICE OF VOLUNTARY DISMISSAL
PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)**

25 Notice is hereby given that, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil
26 Procedure, plaintiff Frank Ferreiro ("Plaintiff") voluntarily dismisses this action with prejudice as
27 to Plaintiff's individual claims only and without prejudice as to the claims of the putative class.
28 This notice of dismissal is being filed before service by Defendants of either an answer or a motion
for summary judgment. Since no class has been certified and the dismissal is with prejudice to

1 Plaintiff only and without prejudice as to all other members of the putative class, notice of this
2 dismissal is not required. Plaintiff's dismissal of this Action is effective upon filing of this notice.

3
4 Dated: July 31, 2019

BRODSKY & SMITH, LLC

5 By: /s/ Evan J. Smith

6 Evan J. Smith

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14
15 SO ORDERED.

16 *Paul A. Engelmayer*
17 PAUL A. ENGELMAYER
18 United States District Judge